

**In re: SAMUEL K. ANGEL; AND THOMBRA INTERNATIONAL, INC.,
d/b/a LIONSTIGERS.COM AND LIONS, TIGERS, AND TEDDY BEARS -
OH MY!**

AWA Docket No. 01-0025.

Decision and Order.

Filed September 26, 2001.

AWA – Default – Admission of Facts.

Brian T. Hill, for Complainant

Respondent, Pro se

Decision and Order issued by Dorothea A. Baker, Administrative Law Judge.

Preliminary Statement

This proceeding was instituted under the Animal Welfare Act ("Act"), as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.).

Copies of the complaint and the Rules of Practice governing proceedings under the Act, 7 C.F.R. §§ 1.130-1.151, were served via certified mail by the Hearing Clerk on Respondent ThomBra International, inc., d/b/a LionsTigers.com and Lions, Tigers, and Teddy Bears - Oh My!, (hereinafter referred to as "Respondent ThomBra International, Inc.," or "Respondent"), on March 14, 2001. The respondent was informed in the letter of service that an answer should be filed pursuant to the Rules of Practice and that failure to answer any allegation in the complaint would constitute an admission of that allegation. Respondent has failed to file an answer within the time prescribed in the Rules of Practice, and the material facts alleged in the complaint, which are admitted as set forth herein by respondents' failure to file an answer, are adopted and set forth herein as Findings of Fact and Conclusions of Law.

This decision and order, therefore, is issued pursuant to section 1.139 of the Rules of Practice, 7 C.F.R. § 1.139.

Findings of Fact and Conclusions of Law

I

A. Respondent is a Texas corporation whose address is P.O. Box 130, Roanoke, Texas 76262.

B. Respondent at all times material herein, was licensed and operating as an exhibitor as defined in the Act and the regulations.

C. When respondent became licensed and annually thereafter, it received a copy of the Act and the regulations and standards issued thereunder and agreed in writing to comply with them.

II

On March 4, 2000, Samuel K. Angel, a representative of Respondent ThomBra International, Inc., failed to provide sufficient distance or barrier between animals and the general viewing public resulting in the injury of Ms. Samantha Iverson (9 C.F.R. § 2.100(a)).

Conclusions

1. The Secretary has jurisdiction in this matter.
2. The following Order is authorized by the Act and warranted under the circumstances.

Order

1. Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder.

2. The respondent is assessed a civil penalty of \$2,750.00, which shall be paid by a certified check or money order made payable to the Treasurer of United States.

The provisions of this order shall become effective on the first day after this decision becomes final.

Pursuant to the Rules of Practice, this decision becomes final without further proceedings 35 days after service as provided in section 1.142 and 1.145 of the Rules of Practice, 7 C.F.R. §§ 1.142 and 1.145.

Copies of this decision shall be served upon the parties.

[This Decision and Order became final December 14, 2001 – Editor.]
